

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 08, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SCOTT STANTON MANINA,
Petitioner,

v.

STATE OF WASHINGTON,
Respondent.

2:24-CV-00298-SAB

ORDER DISMISSING ACTION

By Order filed October 3, 2024, the Court instructed Petitioner, through his attorney, Robert Roy Cossey, to show cause by November 4, 2024, why this Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 should not be dismissed for lack of jurisdiction and for failure to exhaust his state court remedies. *See* ECF No. 3. The filing fee has been paid.

The Court cautioned Petitioner that his failure to show cause would be construed as his consent to the dismissal of this action. ECF No. 3 at 6. Petitioner has filed nothing further in this action. The Court must assume Petitioner has chosen to abandon this litigation.

Therefore, for the reasons set forth in the Order to Show Cause, **IT IS ORDERED** this habeas action is dismissed without prejudice for lack of jurisdiction over the Respondent, *see Stanley v. Cal. Sup. Ct.*, 21 F.3d 359, 360

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(9th Cir. 1994), and for failure to exhaust state court remedies, *see O'Sullivan v. Boerkel*, 526 U.S. 838, 845 (1999).

Accordingly, **IT IS HEREBY ORDERED:**

1. The Petition, **ECF No. 1** is **DISMISSED without prejudice**.

2. The Court certifies there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED. The District Court Clerk is **DIRECTED** to enter this Order, enter judgment, provide copies to Counsel for Petitioner, and **close** the file.

DATED this 8th day of November 2024.



Stanley A. Bastian

Stanley A. Bastian
Chief United States District Judge